

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

GINO V. JACKSON,

Plaintiff,

v.

CIVIL ACTION 3:08CV660

JOSEPH T. BROWN, et al.,

Defendants.

MEMORANDUM OPINION

Gino Jackson is a Virginia state prisoner. Jackson filed a motion for judgment against numerous defendants in the Circuit Court for the County of Stafford in Case No. CL08000723-00. On September 23, 2008, Jackson filed a Notice of Removal to the United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. § 1441. On October 9, 2008, this action was transferred to the Richmond Division of the Eastern District of Virginia.

The right to remove an action to federal courts is limited to defendants. See generally 28 U.S.C. §§ 1441, 1446; see also Devine v. Md. Dep't of Human Res., No. 92-1743, 1992 WL 237306, at *1 n.* (4th Cir. Sept. 25, 1992) (citing In re Walker, 375 F.2d 678 (9th Cir. 1967)); Am. Int'l Underwriters (Phillippines), Inc. v. Cont'l Ins. Co., 843 F.2d 1253, 1260 (9th Cir. 1988). Accordingly, the action will be remanded to the Circuit Court for the County of Stafford.

The Clerk is DIRECTED to send a copy of this Memorandum Opinion to Jackson, counsel of record, the unrepresented defendants, and the Clerk of the Circuit Court for the County of Stafford.

It is so ORDERED.

_____/s/ *REP*
Robert E. Payne
Senior United States District Judge

Date: October 31, 2008
Richmond, Virginia